

10/5/2021

STATE OF MARYLAND	*	CRIMINAL NO. C-10-CR-21-000535	CM
VS	*	IN THE CIRCUIT COURT FOR	
NORRIS BERNARD ELLIS	*	FREDERICK COUNTY, MARYLAND	


STATE'S ANSWER TO DEFENDANT'S DEMAND
FOR PARTICULARS

COMES NOW the State of Maryland, by Tammy M. Leache, Assistant State's Attorney for Frederick County, Maryland, and hereby files the following response to the Defendant's Demand for Particulars and states as follows:

1. That the Defendant is not entitled to a Bill of Particulars as a matter of right.
2. That the purpose of a Bill of Particulars is to inform the Defendant of the charges against him so that he may prepare his defense and guard against surprise.
3. That a Bill of Particulars is not to be utilized for the purpose of requiring the State to elect a theory upon which it intends to proceed.
4. That the Bill of Particulars filed in the instant matter does in fact require the State to elect a legal theory upon which it intends to proceed.
5. That any other information requested in the Bill of Particulars has already been provided to the Defendant by way of Criminal Indictment and Discovery.
6. That it is well settled case law in the State of Maryland that if the State feels the Defendant's request for Bill of Particulars is not well grounded, it is under no obligation to furnish particulars.
7. That Rule 4-241 does not contemplate that the State particularize all of the evidence it may offer as requested in Defendant's Motion.

8. AS TO ALL COUNTS:

- a. As to Defense #1, the offense occurred on or about July 4, 2021 in the early morning hours. It occurred in Downtown Frederick, in the vicinity of the Carroll Creek area and Carroll Street.
- b. As to Defense #2, the Defendant grabbed the victim by the throat from behind, strangled her, penetrated her vagina with his penis, punched her multiple times in the face and slammed her head into the concrete.
- c. As to Defense #3, for Count 1, the Defendant violated §3-303(a)(1)(i) and (a)(2)(ii). For Count 2, the Defendant violated §3-202(b)(3). For Count 3, the Defendant violated §3-203(a).
- d. As to Defense #4, the Defendant grabbed her by the throat, strangled her, punched her multiple times in the face and slammed her head into the concrete.
- e. The Defendant is captured on video following the victim right before the attack, he and the victim are strangers, and his DNA was found in an analysis of her SAFE examination.


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POINTS AND AUTHORITIES

Pearlman v. State 232 Md. 251, 192 A.2d 767 (1963), cert. denied, 376 U.S. 943 (1964)
Hadder v. State 238 Md. 341, 209 A.3d 70 (1965)
Grant v. State 55 Md. App. 1 (1983)
MD Rule 4-241

Tammy M. Leache /s/
TAMMY M. LEACHE
ASSISTANT STATE'S ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2021, a copy of the foregoing State's Answer to Defendant's Demand for Particulars was sent via MDEC and/or Sharefile/Citrix, a secure file sharing service, to the designated e-mail address and/or service contact for James A. Johnston, Esquire, Attorney for Defendant.

Tammy M. Leache /s/
TAMMY M. LEACHE
ASSISTANT STATE'S ATTORNEY